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Attorney for Plaintiff  
Francisca Moralez

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

FRANCISCA MORALEZ,	) No.
Plaintiff,	) <b>COMPLAINT ASSERTING DENIAL OF</b>
vs.	) <b>RIGHT OF ACCESS UNDER THE</b>
STANFORD HEALTH CARE; STANFORD	) <b>AMERICANS WITH DISABILITIES ACT</b>
HEALTH CARE TRI-VALLEY;	) <b>FOR INJUNCTIVE RELIEF,</b>
LIVERMORE MEDICAL OFFICE	) <b>DECLARATORY RELIEF, DAMAGES,</b>
ASSOCIATES LLC;	) <b>ATTORNEYS' FEES AND COSTS (ADA)</b>
Defendants.	)

**I. SUMMARY**

1. This is a civil rights action by plaintiff FRANCISCA MORALEZ ("Plaintiff") for discrimination at the building, structure, facility, complex, property, land, development, and/or surrounding business complex known as:

Byers Eye Institute  
1133 E Stanley Boulevard  
Livermore, California 94550  
(hereafter "the Facility")

2. Plaintiff seeks damages, injunctive and declaratory relief, attorney fees and costs, against STANFORD HEALTH CARE; STANFORD HEALTH CARE TRI-VALLEY; and LIVERMORE MEDICAL OFFICE ASSOCIATES LLC (hereinafter collectively referred

to as “Defendants”), pursuant to Title III of the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12101 et seq.) (“ADA”) and related California statutes.

## II. JURISDICTION

3. This Court has original jurisdiction under 28 U.S.C. §§ 1331 and 1343 for ADA claims.

4. Supplemental jurisdiction for claims brought under parallel California law – arising from the same nucleus of operative facts – is predicated on 28 U.S.C. § 1367.

5. Plaintiff’s claims are authorized by 28 U.S.C. §§ 2201 and 2202.

## III. VENUE

6. All actions complained of herein take place within the jurisdiction of the United States District Court, Northern District of California, and venue is invoked pursuant to 28 U.S.C. § 1391(b), (c).

## IV. PARTIES

7. Defendants own, operate, and/or lease the Facility, and consist of a person (or persons), firm, and/or corporation.

8. Plaintiff is substantially limited in her ability to walk, and must use a wheelchair for mobility. Consequently, Plaintiff is “physically disabled,” as defined by all applicable California and United States laws, and a member of the public whose rights are protected by these laws.

## V. FACTS

9. The Facility is open to the public, intended for non-residential use, and its operation affects commerce. The Facility is therefore a public accommodation as defined by applicable state and federal laws.

10. Plaintiff is a California resident who regularly travels to the area where the Facility is located and visited the Facility on or about September 26, 2023, August 28, 2024, October 24, 2024, October 30, 2024, November 27, 2024, January 24, 2025, March 4, 2025, and May 13, 2025 for doctor visits. During her visits to the Facility, Plaintiff personally encountered barriers (both physical and intangible) that interfered with, if not outright denied,

1 Plaintiff's ability to use and enjoy the goods, services, privileges and accommodations offered  
2 at the Facility. These barriers include, but are not necessarily limited to, the following:

- 3 a) During each of her visits, Plaintiff had difficulty locating a suitable van-  
4 accessible parking stall, which she requires in order to ensure sufficient  
5 clear and level space to unload her wheelchair from her van using a  
6 motorized ramp, due to insufficient number of accessible and van-  
7 accessible parking stalls serving the hospital outpatient facility. The  
8 accessible parking stalls Plaintiff parked in were excessively sloped,  
9 causing Plaintiff difficulty when deploying and using her ramp to load  
10 and unload from her van.
- 11 b) There are no wheel stops to prevent parked vehicles from obstructing the  
12 required clear width of the route from the designated accessible parking  
13 to the Facility entrance. As a result, during Plaintiff's visits she had  
14 difficulty maneuvering her wheelchair along the path of travel where  
15 parked vehicles obstructed the route.
- 16 c) The path of travel from the parking area to the Facility entrance has  
17 crevices, is sloped, and uneven, causing Plaintiff difficulty maneuvering  
18 her wheelchair by creating a rough and painful ride.
- 19 d) Plaintiff wanted to view the decorative ponds located in the Facility's  
20 outdoor area, but had difficulty traversing the paths near the ponds in her  
21 wheelchair due to their uneven surface and narrow width.
- 22 e) The manual door at the entrance to the Facility suite was too heavy,  
23 which made it difficult for Plaintiff to open.
- 24 f) The service counter at the Facility was too high, and although there was  
25 a lower portion of the counter, only the higher portion was used by the  
26 staff and the customer-use items such as hand sanitizer were all located  
27 on the upper counter. It was difficult for Plaintiff to use the counter to  
28 speak with staff and reach items on the counter.

- 1           g)     The interior of the exam rooms that Plaintiff was taken to lacked  
2                 sufficient clear space inside for Plaintiff to maneuver her wheelchair,  
3                 which made it difficult for her to enter and exit the rooms and move  
4                 around while inside.
- 5           h)     The coat hooks in the exam rooms were too high for Plaintiff to reach.
- 6           i)     The exam room doors were too heavy, making them hard for Plaintiff to  
7                 open when exiting the room.
- 8           j)     The women's restroom door was too heavy, making it hard for Plaintiff  
9                 to open.
- 10          k)     The coat hook in the women's restroom was too high for Plaintiff to  
11                 reach.
- 12          l)     The trash cans in the women's restroom obstructed the clear space  
13                 adjacent to the sink, soap dispenser, and paper towel dispenser, making  
14                 it difficult for Plaintiff to reach those items.

15           11.    There may exist other barriers at the Facility which relate to Plaintiff's  
16                 disabilities, and he will seek to amend this Complaint once such additional barriers are  
17                 identified as it is Plaintiff's intention to have all barriers which exist at the Facility and relate to  
18                 his disabilities removed to afford him full and equal access.

19           12.    Plaintiff was, and continues to be, deterred from visiting the Facility because  
20                 Plaintiff knows that the Facility's goods, services, facilities, privileges, advantages, and  
21                 accommodations were and are unavailable to Plaintiff due to Plaintiff's physical disabilities.  
22                 Plaintiff enjoys the goods and services offered at the Facility, and will return to the Facility  
23                 once the barriers are removed.

24           13.    Defendants knew, or should have known, that these elements and areas of the  
25                 Facility were inaccessible, violate state and federal law, and interfere with (or deny) access to  
26                 the physically disabled. Moreover, Defendants have the financial resources to remove these  
27                 barriers from the Facility (without much difficulty or expense), and make the Facility  
28                 accessible to the physically disabled. To date, however, Defendants refuse to either remove

1 those barriers or seek an unreasonable hardship exemption to excuse non-compliance.

2 14. At all relevant times, Defendants have possessed and enjoyed sufficient control  
3 and authority to modify the Facility to remove impediments to wheelchair access and to  
4 comply with the 1991 ADA Accessibility Guidelines and/or the 2010 ADA Standards for  
5 Accessible Design. Defendants have not removed such impediments and have not modified the  
6 Facility to conform to accessibility standards. Defendants have intentionally maintained the  
7 Facility in its current condition and have intentionally refrained from altering the Facility so  
8 that it complies with the accessibility standards.

9 15. Plaintiff further alleges that the (continued) presence of barriers at the Facility is  
10 so obvious as to establish Defendants' discriminatory intent. On information and belief,  
11 Plaintiff avers that evidence of this discriminatory intent includes Defendants' refusal to adhere  
12 to relevant building standards; disregard for the building plans and permits issued for the  
13 Facility; conscientious decision to maintain the architectural layout (as it currently exists) at the  
14 Facility; decision not to remove barriers from the Facility; and allowance that Defendants'  
15 property continues to exist in its non-compliant state. Plaintiff further alleges, on information  
16 and belief, that the Facility is not in the midst of a remodel, and that the barriers present at the  
17 Facility are not isolated or temporary interruptions in access due to maintenance or repairs.

## 18 VI. FIRST CLAIM

### 19 Americans with Disabilities Act of 1990

#### 20 Denial of "Full and Equal" Enjoyment and Use

21 16. Plaintiff re-pleads and incorporates by reference the allegations contained in  
22 each of the foregoing paragraphs, and incorporates them herein as if separately re-pled.

23 17. Title III of the ADA holds as a "general rule" that no individual shall be  
24 discriminated against on the basis of disability in the full and equal enjoyment (or use) of  
25 goods, services, facilities, privileges, and accommodations offered by any person who owns,  
26 operates, or leases a place of public accommodation. 42 U.S.C. § 12182(a).

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18. Defendants discriminated against Plaintiff by denying Plaintiff “full and equal enjoyment” and use of the goods, services, facilities, privileges and accommodations of the Facility during each visit and each incident of deterrence.

Failure to Remove Architectural Barriers in an Existing Facility

19. The ADA specifically prohibits failing to remove architectural barriers, which are structural in nature, in existing facilities where such removal is readily achievable. 42 U.S.C. § 12182(b)(2)(A)(iv).

20. When an entity can demonstrate that removal of a barrier is not readily achievable, a failure to make goods, services, facilities, or accommodations available through alternative methods is also specifically prohibited if these methods are readily achievable. *Id.* § 12182(b)(2)(A)(v).

21. Here, Plaintiff alleges that Defendants can easily remove the architectural barriers at the Facility without much difficulty or expense, that the cost of removing the architectural barriers does not exceed the benefits under the particular circumstances, and that Defendants violated the ADA by failing to remove those barriers, when it was readily achievable to do so.

22. In the alternative, if it was not “readily achievable” for Defendants to remove the Facility’s barriers, then Defendants violated the ADA by failing to make the required services available through alternative methods, which are readily achievable.

Failure to Design and Construct an Accessible Facility

23. Plaintiff alleges on information and belief that the Facility was designed and constructed (or both) after January 26, 1993 – independently triggering access requirements under Title III of the ADA.

24. The ADA also prohibits designing and constructing facilities for first occupancy after January 26, 1993, that aren’t readily accessible to, and usable by, individuals with disabilities when it was structurally practicable to do so. 42 U.S.C. § 12183(a)(1).

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25. Here, Defendants violated the ADA by designing and constructing (or both) the Facility in a manner that was not readily accessible to the physically disabled public – including Plaintiff – when it was structurally practical to do so.<sup>1</sup>

Failure to Make an Altered Facility Accessible

26. Plaintiff alleges on information and belief that the Facility was modified after January 26, 1993, independently triggering access requirements under the ADA.

27. The ADA also requires that facilities altered in a manner that affects (or could affect) its usability must be made readily accessible to individuals with disabilities to the maximum extent feasible. 42 U.S.C. § 12183(a)(2). Altering an area that contains a facility's primary function also requires making the paths of travel, bathrooms, telephones, and drinking fountains serving that area accessible to the maximum extent feasible. *Id.*

28. Here, Defendants altered the Facility in a manner that violated the ADA and was not readily accessible to the physically disabled public – including Plaintiff – to the maximum extent feasible.

Failure to Modify Existing Policies and Procedures

29. The ADA also requires reasonable modifications in policies, practices, or procedures, when necessary to afford such goods, services, facilities, or accommodations to individuals with disabilities, unless the entity can demonstrate that making such modifications would fundamentally alter their nature. 42 U.S.C. § 12182(b)(2)(A)(ii).

30. Here, Defendants violated the ADA by failing to make reasonable modifications in policies, practices, or procedures at the Facility, when these modifications were necessary to afford (and would not fundamentally alter the nature of) these goods, services, facilities, or accommodations.

Failure to Maintain Accessible Features

31. Defendants additionally violated the ADA by failing to maintain in operable working condition those features of the Facility that are required to be readily accessible to and usable by persons with disabilities.

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<sup>1</sup> Nothing within this Complaint should be construed as an allegation that Plaintiff is bringing this action as a private attorney general under either state or federal statutes.

32. Such failure by Defendants to maintain the Facility in an accessible condition was not an isolated or temporary interruption in service or access due to maintenance or repairs.

33. Plaintiff seeks all relief available under the ADA (i.e., injunctive relief, attorney fees, costs, legal expense) for these aforementioned violations. 42 U.S.C. § 12205.

34. Plaintiff seeks a finding from this Court (i.e., declaratory relief) that Defendants violated the ADA in order to pursue damages under California's Unruh Civil Rights Act.

## VII. SECOND CLAIM

### Unruh Act

35. Plaintiff re-pleads and incorporates by reference the allegations contained in each of the foregoing paragraphs, and incorporates them herein as if separately re-pled.

36. California Civil Code § 51 states, in part, that: All persons within the jurisdiction of this state are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.

37. California Civil Code § 51.5 also states, in part that: No business establishment of any kind whatsoever shall discriminate against any person in this state because of the disability of the person.

38. California Civil Code § 51(f) specifically incorporates (by reference) an individual's rights under the ADA into the Unruh Act.

39. Defendants' aforementioned acts and omissions denied the physically disabled public – including Plaintiff – full and equal accommodations, advantages, facilities, privileges and services in a business establishment (because of their physical disability).

40. These acts and omissions (including the ones that violate the ADA) denied, aided or incited a denial, or discriminated against Plaintiff by violating the Unruh Act.

41. Plaintiff was damaged by Defendants' wrongful conduct, and seeks statutory minimum damages of \$4,000 for each offense.

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42. Plaintiff also seeks to enjoin Defendants from violating the Unruh Act (and ADA), and recover reasonable attorneys' fees and costs incurred under California Civil Code § 52(a).

### VIII. THIRD CLAIM

#### Denial of Full and Equal Access to Public Facilities

43. Plaintiff re-pleads and incorporates by reference the allegations contained in each of the foregoing paragraphs, and incorporates them herein as if separately re-pled.

44. Health and Safety Code § 19955(a) states, in part, that: California public accommodations or facilities (built with private funds) shall adhere to the provisions of Government Code § 4450.

45. Health and Safety Code § 19959 states, in part, that: Every existing (non-exempt) public accommodation constructed prior to July 1, 1970, which is altered or structurally repaired, is required to comply with this chapter.

46. Plaintiff alleges the Facility is a public accommodation constructed, altered, or repaired in a manner that violates Part 5.5 of the Health and Safety Code or Government Code § 4450 (or both), and that the Facility was not exempt under Health and Safety Code § 19956.

47. Defendants' non-compliance with these requirements at the Facility aggrieved (or potentially aggrieved) Plaintiff and other persons with physical disabilities. Accordingly, Plaintiff seeks injunctive relief and attorney fees pursuant to Health and Safety Code § 19953.

### IX. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays judgment against Defendants, and each of them, for:

1. Injunctive relief, preventive relief, or any other relief the Court deems proper.
2. Statutory minimum damages under section 52(a) of the California Civil Code according to proof.
3. Declaratory relief finding that Defendants violated the ADA for the purposes of Unruh Act damages.
4. Attorneys' fees, litigation expenses, and costs of suit.<sup>2</sup>

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<sup>2</sup> This includes attorneys' fees under California Code of Civil Procedure § 1021.5.

1           5.       Interest at the legal rate from the date of the filing of this action.

2           6.       For such other and further relief as the Court deems proper.

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4       Dated: June 19, 2025

MOORE LAW FIRM, P.C.

5                               /s/ Tanya E. Moore

6                               Tanya E. Moore

7                               Attorney for Plaintiff

Francisca Moralez

**VERIFICATION**

I, FRANCISCA MORALEZ, am the plaintiff in the above-entitled action. I have read the foregoing Complaint and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and as to those matters, I believe them to be true.

I verify under penalty of perjury that the foregoing is true and correct.

Dated: 06/19/2025

/s/ Francisca Moralez  
Francisca Moralez

I attest that the original signature of the person whose electronic signature is shown above is maintained by me, and that her concurrence in the filing of this document and attribution of her signature was obtained.

/s/ Tanya E. Moore  
Tanya E. Moore  
Attorney for Plaintiff,  
FRANCISCA MORALEZ